

THE UNITED STATES DISTRICT COURT  
DISTRICT OF NEVADA

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UNITED STATES OF AMERICA,

Plaintiff,

vs.

CLIVEN D. BUNDY,  
RYAN C. BUNDY,  
AMMON E. BUNDY, and  
RYAN W. PAYNE,

Defendants.

2:16-cr-46-GMN-PAL-1-4

DATE: October 30, 2017

Courtroom 7C

THE HONORABLE GLORIA M. NAVARRO, CHIEF UNITED STATES DISTRICT JUDGE

DEPUTY CLERK: Aaron Blazeovich

COURT REPORTER: Heather Newman

COUNSEL FOR PLAINTIFF: Steven Myhre, Erin Creegan, Nadia Ahmed and Daniel Schiess with FBI Agents Joel Willis and Sharon Gavin and Jury Consultant Laura Dominic

COUNSEL FOR DEFENDANT: Bret Whipple, Maysoun Fletcher (Standby Counsel), Daniel Hill, Jay Morgan Philpot, Brenda Weksler and Ryan Norwood with Jury Consultants Karen Ginn and Lois Heaney with Legal Assistant Nikki Seubert

MINUTES OF PROCEEDINGS: Jury Trial (Day 1)

9:24 a.m. The Court convenes outside the presence of the prospective jurors. The parties make their appearances on the record. The Court questions defendants Cliven Bundy, Ryan Bundy, Ammon Bundy, and Ryan Payne regarding their choice to wear prison clothing during trial. Each defendant indicates it is his choice to wear the prison clothing during trial. The Court admonishes the parties regarding courtroom demeanor. Ms. Weksler provides the Court with a list of juror numbers whom she believes may be either excused or questioned for various reasons. Mr. Philpot questions the Court regarding the form of the voir dire proceedings and whether or not the attorneys can ask questions regarding the recent shooting in Las Vegas. Mr. Philpot makes an oral motion to continue trial based on the recent shooting in Las Vegas. Ryan Bundy requests the shackles be removed during trial. The Court will reconsider this request at a later time. Ryan Bundy states he does not have the original jury questionnaires and requests the ability to meet with co-defendants and counsel. Mr. Whipple requests his assistant Roger Roots be able to sit at counsel table with him. The Court states that it has previously made a ruling on this. The request is denied.

10:05 a.m. The Court convenes in the presence of forty-nine (49) prospective jurors. The prospective jurors are sworn and voir dire commences.

11:52 a.m. The prospective jurors are admonished and excused for lunch.

11:53 a.m. Ryan Bundy requests the ability to meet with co-defendants. Ms. Weksler requests a few minutes to meet with co-defendants before starting trial this afternoon. Mr. Schiess lists the juror numbers whom he believes may be excused.

11:55 a.m. The Court stands at recess.

2:06 p.m. The Court reconvenes outside the presence of the prospective jurors. The Court and parties discuss which jurors can be excused for cause. Ms. Weksler makes a motion to strike the entire panel due to the presence of question 8 in the supplemental questionnaire. The motion is denied. Ms. Weksler requests the Court make a ruling on unshackling Ryan Bundy during voir dire questioning. The Court provides alternate options. The Court calls in Jurors 33 and 75 outside the presence of the remaining jurors.

3:16 p.m. The prospective jurors enter the courtroom.

3:21 p.m. Mr. Schiess asks questions of the prospective jurors on behalf of the Government.

3:38 p.m. Mr. Whipple asks questions of the prospective jurors on behalf of Cliven Bundy.

3:55 p.m. Mr. Hill asks questions of the prospective jurors on behalf of Ammon Bundy.

4:05 p.m. Ms. Weksler asks questions of the prospective jurors on behalf of Ryan Payne.

4:18 p.m. The Court stands at recess for an afternoon break.

4:28 p.m. The Court reconvenes in the presence of the prospective jurors.

4:30 p.m. Mr. Ryan Bundy asks questions of the prospective jurors on behalf of himself.

4:38 p.m. Mr. Schiess asks follow up questions of the prospective jurors on behalf of the Government.

4:49 p.m. Mr. Whipple asks follow up questions of the prospective jurors on behalf of Cliven Bundy.

4:55 p.m. Mr. Hill asks follow up questions of the prospective jurors on behalf of Ammon Bundy.

5:00 p.m. Ms. Weksler asks follow up questions of the prospective jurors on behalf of Ryan Payne.

5:08 p.m. Mr. Ryan Bundy asks follow up questions of the prospective jurors on behalf of himself.

5:10 p.m. Mr. Schiess asks follow up questions of the prospective jurors on behalf of the Government.

5:20 p.m. The remaining prospective jurors are excused and asked to report to the jury office on Wednesday, November 1, 2017, at 8:30 a.m.

5:21 p.m. Ms. Weksler makes an oral motion to strike the panel of jurors. The Court puts Mr. Ryan Bundy on notice regarding the statements he made in front of the prospective jurors. Mr. Ryan

Jury Trial continued to Tuesday, October 31, 2017, at 8:30 a.m. in Courtroom 7C before Chief Judge Gloria M. Navarro.

BY:           /S/            
Aaron Blazeovich, Deputy Clerk